

5-(((5-Methoxy-2-methyl-1 H-indol-3-carbonyl)amino)methyl)-2-(oxalyl-amino)-4,7-dihydro-5H-thieno[2,3-c]pyran-3-carboxylic acid;

5-(1,3-Dioxo-5-propylcarbonyl-1,3-dihydro-isoindol-2-ylmethyl)-2-(oxalyl-amino)-4,7-dihydro-5H-thieno[2,3-c]pyran-3-carboxylic acid;

or a salt thereof with a pharmaceutically acceptable acid or base, or any optical isomer or mixture of optical isomers, including a racemic mixture, or any tautomeric form, or prodrug thereof.

REMARKS

Claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, 99-109 have been cancelled without prejudice. New claims 110-219 have been added to more distinctly claim that which Applicants regard as their invention. The new claims are supported by the specification and contain no new matter.

I. The Rejection of Claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99 under 35 U.S.C. 102(e)

Claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Moller et al (US 6,262,044). This rejection is respectfully traversed.

Applicants note that in order to advance prosecution but not in acquiescence to the Examiner's position, claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99-109 have been canceled. New claims 110-219 have been added. The presently claimed compounds do not include those disclosed in the Moller reference. Applicants however do reserve the right to file subsequent continuation and/or divisional applications on subject matter originally encompassed by the canceled claims.

For the foregoing reasons, Applicants submit that the new claims overcome this rejection under 35 U.S.C. 102(e). Applicants respectfully request reconsideration and withdrawal of the rejection.

II. The Rejection of Claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99 under 35 U.S.C. 112

Claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99-109 were rejected under 35 U.S.C. 112, second paragraph as being indefinite in view of the added provisos. Applicants respectfully traverse the rejection. However, in order to advance prosecution, claims 1-29, 32-37, 39, 41, 42, 44-47, 50-52, 54, 56-61, 63-73, 76, 77, 85, 86, 90, 91, 93, 94, 96, 97, and 99-109 have been canceled. New claims 110-219 have been added. None of the new claims contain proviso.

For the foregoing reasons, Applicants submit that the new claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

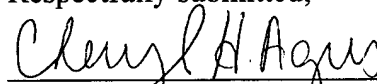
III. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Date:

2/26/03

Respectfully submitted,



Cheryl H. Agris, Reg. No. 34,086
Outside Counsel for
Novo Nordisk Pharmaceuticals, Inc.
100 College Road West
Princeton, NJ 08540
609-919-7779